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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/531,623

11/29/2005

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ARGM-109US

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23122 7590 10/02/2008  
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EXAMINER

CYGIEL, GARY W

ART UNIT

PAPER NUMBER

2188

MAIL DATE

DELIVERY MODE

10/02/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/531,623	<b>Applicant(s)</b> TSUNODA ET AL.	
	<b>Examiner</b> GARY W. CYGIEL	<b>Art Unit</b> 2188	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3,6 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3,6 and 16-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/4/2008</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Continued Examination Under 37 CFR 1.114**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 22 July 2008 has been entered.

### **Claim Objections**

2. Claims 3,6 and 16-19 are objected to because of the following informalities:

**[A]** Claim 3:Line 23 - the word "for" should be inserted after "means."

**[B]** Claim 6:Line 10 - the word "for" should be inserted after "means."

**[C]** Claim 16:Line 2 - the word "for" should be inserted before "automatically."

**[D]** Claim 17:Line 2 - the word "for" should be inserted before "automatically."

**[E]** Claim 18:Line 2 - the word "classify" should be replaced with --classifies--.

**[F]** Claim 19:Line 2 - the word "classify" should be replaced with --classifies--.

Appropriate correction is required.

### **Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 3, 6 and 16-19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kuwabara et al. (Japanese Patent No. JP411015850A) using both

the Derwent and JPO abstracts the teachings in view of Platt (US Patent No. 5,421,009)

and further in view of Postel et al. (RFC0959, c. 1985), Bennett (Reliability of TCP/IP

and the Internet, c. 1996) and McCarty (Linux Command Quick Reference, c. 1999).

Consider **Claims 3, 6, 16 and 17**,

Kuwabara teaches a data storage system comprising a vehicle-mounted terminal

mounted on a vehicle, (Derwent, use in a mobile terminal in a vehicle.) and a fixed

information center for transmitting data to said vehicle-mounted terminal in response to

a request from said vehicle-mounted terminal (Derwent, acquires demanded data from data center), in which:

said vehicle-mounted terminal which operates remotely from said fixed

information center includes:

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terminal communicating means for communicating with said information center (Derwent, data is received through a communication unit.),

temporary cache means for temporarily storing therein said data (Derwent, temporary cache),

permanent cache means for storing therein said data for a predetermined period (Derwent, permanent cache), and

memory selecting means for selectively having said temporary cache means and said permanent cache means store therein said data received by said terminal communicating means (JPO Abstract, HTML tag indicates which cache data is to be stored in.); and

said fixed information center includes:

center communicating means for communicating with said vehicle-mounted terminal,

data sorting means for sorting said data into temporary cache data to be stored in said temporary cache means and permanent cache data to be stored in said permanent cache means (JPO Abstract, HTML tag indicates which cache data is to be stored in.).

Based on the abstracts, there is no explicit teaching of:

available space obtaining means for automatically without user intervention judging whether storage space is available in said permanent cache of said vehicle mounted terminal before said fixed information center transmits said data to said permanent cache of said vehicle mounted terminal; and

data deletion means automatically deleting pieces of data stored in said permanent cache means of said vehicle mounted terminal, said pieces of data being deleted automatically without user intervention to increase said available storage space in said permanent cache means of said vehicle mounted terminal to a sufficient amount of available storage space needed to store said transmitted data, wherein said information center checks whether or not said data has been stored.

However, Platt does teach determining automatically without user intervention judging whether storage space is available before transmitting said data (Platt:Fig 8; Col 6:Lines 41-68, software determines if there is enough space for installation on a remote terminal) and automatically deleting unused data (Platt:Col 7:Lines 10-15). Kuwabara and Platt are related because they are both directed at data movement to a remote terminal. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to perform the methods taught by Platt in the system of Kuwabara because this preserves network bandwidth that would be wasted due to transfer of data that cannot be stored and preserves storage resources by deleting data that is not being used.

However, the ability to perform checks as to whether or not data has been stored properly is a fundamental ability of almost all computers connected via a network and the examiner is taking official notice of this fact. In support of the official notice, the examiner provides Postel, Bennett and McCarty which all teach about well known elements of networking which are Linux, TCP/IP and FTP. The examiner is merely using these as evidence that the state of the art at the time of the invention clearly made

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obvious the ability to perform checks on proper storage. The error detection/correction of TCP/IP combined with the teachings regarding the Linux commands make clear that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to not only make sure your file was sent/stored properly (TCP/IP.FTP), but also provide the ability to check the available space (Linux) and delete items (Linux,FTP) at will because this makes the system more robust and reduces design time by using notoriously well-known methods in the system of Kuwabara.

Consider **Claims 18 and 19**,

The combination of Kuwabara and Platt further teaches wherein said memory selecting means classify said data into two types of data, one being stored in said temporary cache means as being likely to be frequently updated, the other being stored in said permanent cache means as being unlikely to be frequently updated (Kuwabara:JP Abstract, data which is frequently requested is stored in the permanent cache. Data that is frequently requested is unlikely to be frequently updated because then it would be different data and be requested less frequently.).

### **Response to Arguments**

6. Applicant's arguments with respect to claims 3,6 and 16-19 have been considered but are moot in view of the new ground(s) of rejection provided in response to applicant's amendment submitted 22 July 2008.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GARY W. CYGIEL whose telephone number is (571)270-1170. The examiner can normally be reached on Monday through Thursdays 12:00pm-2:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on (571)272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hyung S. Sough/  
Supervisory Patent Examiner, Art Unit 2188  
09/29/08

/Gary W Cygiel/  
Examiner  
Art Unit 2188

GWC 9/28/2008